

110TH CONGRESS
1ST SESSION

H. R. 925

To provide emergency agricultural disaster assistance for agricultural producers, manufacturers, and workers in the State of California, to appropriate funds for Pacific salmon emergency disaster assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. NUNES (for himself, Mr. COSTA, Mr. CARDOZA, Mr. MCCARTHY of California, Mr. RADANOVICH, Mrs. CAPPS, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. SHERMAN, Ms. LORETTA SANCHEZ of California, Mr. THOMPSON of California, Mr. LANTOS, Ms. ESHOO, Mr. BERMAN, Mr. MCNERNEY, Ms. SOLIS, Ms. WATSON, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. BACA, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. GEORGE MILLER of California, Ms. HARMAN, Mrs. NAPOLITANO, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on the Budget, Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide emergency agricultural disaster assistance for agricultural producers, manufacturers, and workers in the State of California, to appropriate funds for Pacific salmon emergency disaster assistance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Emergency Farm Assistance Act of 2007”.

4 (b) TABLE OF CONTENTS.—The table of contents of
 5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—AGRICULTURAL PRODUCTION LOSSES

Sec. 101. Specialty crops.

Sec. 102. Dairy assistance.

Sec. 103. Livestock indemnity payments.

Sec. 104. Payment limitation.

TITLE II—SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM

Sec. 201. Small business economic loss grant program.

TITLE III—FORESTRY

Sec. 301. Tree assistance program.

TITLE IV—ASSISTANCE FOR UNEMPLOYED AGRICULTURAL
WORKERS

Sec. 401. Unemployment assistance.

Sec. 402. Food coupons and distribution.

Sec. 403. Emergency grants to assist low-income migrant and seasonal farm-
workers.

Sec. 404. Temporary mortgage rental assistance.

TITLE V—PACIFIC SALMON EMERGENCY DISASTER ASSISTANCE

Sec. 501. Pacific salmon emergency disaster assistance.

TITLE VI—MISCELLANEOUS

Sec. 601. Limit on amount of assistance.

Sec. 602. Funding.

Sec. 603. Regulations.

TITLE VII—EMERGENCY DESIGNATION

Sec. 701. Emergency designation.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) DISASTER COUNTY.—The term “disaster
2 county” means—

3 (A) a county included in the geographic
4 area covered by a natural disaster declaration;
5 and

6 (B) each county contiguous to a county de-
7 scribed in subparagraph (A).

8 (2) LIVESTOCK.—The term “livestock” in-
9 cludes—

10 (A) cattle (including dairy cattle);

11 (B) bison;

12 (C) sheep;

13 (D) swine;

14 (E) poultry; and

15 (F) other livestock, as determined by the
16 Secretary.

17 (3) NATURAL DISASTER DECLARATION.—The
18 term “natural disaster declaration” means a natural
19 disaster declared by the Secretary under section
20 321(a) of the Consolidated Farm and Rural Devel-
21 opment Act (7 U.S.C. 1961(a)) during—

22 (A) calendar year 2005 due to flooding in
23 the State;

24 (B) calendar year 2006 due to heat or
25 flooding in the State; and

1 (C) calendar year 2007 due to freezing or
 2 extreme low temperatures in the State.

3 (4) SECRETARY.—The term “Secretary” means
 4 the Secretary of Agriculture.

5 (5) SPECIALTY CROP.—The term “specialty
 6 crop” has the meaning given the term in section 3
 7 of the Specialty Crops Competitiveness Act of 2004
 8 (7 U.S.C. 1621 note; Public Law 108–465).

9 (6) STATE.—The term “State” means the State
 10 of California.

11 **TITLE I—AGRICULTURAL** 12 **PRODUCTION LOSSES**

13 **SEC. 101. SPECIALTY CROPS.**

14 (a) IN GENERAL.—The Secretary shall use, of funds
 15 of the Commodity Credit Corporation—

16 (1) \$100,000,000 to provide assistance to pro-
 17 ducers of specialty crops in disaster counties that
 18 suffered losses in calendar year 2005;

19 (2) \$400,000,000 to provide assistance to pro-
 20 ducers of specialty crops in disaster counties that
 21 suffered losses in calendar year 2006;

22 (3) \$420,000,000 to provide assistance to citrus
 23 producers in disaster counties that suffered losses in
 24 calendar year 2007; and

1 (4) \$438,000,000 to provide assistance to pro-
2 ducers of other specialty crops in disaster counties
3 that suffered losses in calendar year 2007.

4 (b) ADMINISTRATION.—Except as provided in sub-
5 section (c), assistance required by subsection (a) shall be
6 carried out by the Secretary in the State under the same
7 terms and conditions as the special disaster relief pro-
8 grams carried out for producers that suffered from crop
9 damage and tree losses, and carried out related cleanup,
10 in certain areas of Florida due to Hurricanes Charley,
11 Frances, and Jeanne during August and September 2004,
12 as described in the notice of program implementation re-
13 lating to Florida citrus, fruit, vegetable, and nursery crop
14 disaster programs (69 Fed. Reg. 63134 (October 29,
15 2004)), with vegetable losses treated as citrus losses under
16 this section for purposes of that program.

17 (c) UNINSURED CITRUS GROWERS.—

18 (1) LIMITED ASSISTANCE.—Subject to para-
19 graph (2), citrus producers on a farm that did not
20 obtain a policy or plan of insurance under the Fed-
21 eral Crop Insurance Act (7 U.S.C. 1501 et seq.) for
22 the crop incurring the losses shall only be eligible for
23 assistance under this section if the producers agree
24 to obtain a policy or plan of insurance under the
25 Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)

1 not later than 180 days after the date of enactment
2 of this Act providing additional coverage for the cit-
3 rus crop of the producers for each of the next 3 crop
4 years.

5 (2) AMOUNT OF ASSISTANCE.—Assistance
6 under this section provided for citrus producers on
7 a farm described in paragraph (1) shall not exceed
8 35 percent of the total amount of the documented
9 losses of the producers.

10 (3) EFFECT OF VIOLATION.—In the event that
11 citrus producers described in paragraph (1) fail to
12 obtain a policy or plan of insurance in accordance
13 with that paragraph, the producers shall reimburse
14 the Secretary for the full amount of the assistance
15 provided to the producers under this section.

16 **SEC. 102. DAIRY ASSISTANCE.**

17 The Secretary shall use \$230,000,000 of funds of the
18 Commodity Credit Corporation to make payments to dairy
19 producers for dairy production losses during calendar year
20 2006 in disaster counties.

21 **SEC. 103. LIVESTOCK INDEMNITY PAYMENTS.**

22 (a) IN GENERAL.—The Secretary shall use
23 \$80,000,000 of funds of the Commodity Credit Corpora-
24 tion to make livestock indemnity payments to producers
25 on farms located in disaster counties that have incurred

1 livestock losses during calendar year 2006 or 2007, or
 2 both, due to a disaster, as determined by the Secretary.

3 (b) PAYMENT RATES.—Indemnity payments to the
 4 producers on a farm under subsection (a) shall be made
 5 at a rate of not less than 30 percent of the market value
 6 of the applicable livestock on the day before the date of
 7 death of the livestock, as determined by the Secretary.

8 **SEC. 104. PAYMENT LIMITATION.**

9 Notwithstanding any other provision of law, assist-
 10 ance provided under this section to the producers on a
 11 farm (as defined by the Secretary) may not exceed
 12 \$125,000 for each farm, ranch, processing plant, or dairy
 13 operation of the producers.

14 **TITLE II—SMALL BUSINESS ECO-**
 15 **NOMIC LOSS GRANT PRO-**
 16 **GRAM**

17 **SEC. 201. SMALL BUSINESS ECONOMIC LOSS GRANT PRO-**
 18 **GRAM.**

19 (a) GRANTS.—

20 (1) IN GENERAL.—The Secretary shall use such
 21 funds as are necessary of funds of the Commodity
 22 Credit Corporation to make a grant to the State.

23 (2) REQUIREMENT.—To be eligible to receive a
 24 grant under this subsection, the State shall agree to
 25 carry out an expedited disaster assistance program

1 to provide grants to qualified small businesses in ac-
2 cordance with subsection (b).

3 (b) GRANTS TO QUALIFIED SMALL BUSINESSES.—

4 (1) IN GENERAL.—In carrying out an expedited
5 disaster assistance program described in subsection
6 (a)(2), the State shall provide grants to eligible
7 small businesses in the State that suffered material
8 economic losses during the 2005, 2006, or 2007
9 crop year as a direct result of weather-related agri-
10 cultural losses to the specialty crop or livestock pro-
11 duction sectors of the State, as determined by the
12 Secretary.

13 (2) ELIGIBILITY.—

14 (A) IN GENERAL.—To be eligible to receive
15 a grant under paragraph (1), a small business
16 shall—

17 (i) have less than \$15,000,000 in av-
18 erage annual gross income from all busi-
19 ness activities, at least 75 percent of which
20 shall be directly related to production agri-
21 culture or agriculture support industries,
22 as determined by the Secretary;

23 (ii) verify the amount of economic loss
24 attributable to weather-related agricultural

1 losses using such documentation as the
2 Secretary and the State may require;

3 (iii) have suffered losses attributable
4 to weather-related agricultural disasters
5 that equal at least 15 percent of the total
6 economic loss of the small business for
7 each year a grant is requested; and

8 (iv) demonstrate that the grant will
9 materially improve the likelihood the busi-
10 ness will—

11 (I) recover from the disaster;

12 (II) continue to service and sup-
13 port production agriculture; and

14 (III) replant agricultural produc-
15 tion fields and groves.

16 (3) REQUIREMENTS.—A grant to a small busi-
17 ness under this subsection shall—

18 (A) be limited to not more than 2 years of
19 documented losses;

20 (B) be in an amount of not more than 75
21 percent of the documented average economic
22 loss attributable to weather-related agriculture
23 disasters for each eligible year in the State; and

24 (C) not exceed a total amount of \$250,000
25 for each small business.

1 (4) INSUFFICIENT FUNDING.—If the grant
2 funds received by the State under subsection (a) are
3 insufficient to fund the grants of the State under
4 this subsection, the State may apply a proportional
5 reduction to all of the grants.

6 **TITLE III—FORESTRY**

7 **SEC. 301. TREE ASSISTANCE PROGRAM.**

8 (a) DEFINITION OF TREE.—In this section, the term
9 “tree” includes—

10 (1) a tree (including a Christmas tree, orna-
11 mental tree, nursery tree, and potted tree);

12 (2) a bush (including a shrub, nursery shrub,
13 nursery bush, ornamental bush, ornamental shrub,
14 potted bush, and potted shrub); and

15 (3) a vine (including a nursery vine and orna-
16 mental vine).

17 (b) PROGRAM.—Except as otherwise provided in this
18 section, the Secretary shall use such sums as are necessary
19 of the funds of the Commodity Credit Corporation to pro-
20 vide assistance under the tree assistance program estab-
21 lished under subtitle C of title X of the Farm Security
22 and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.)
23 to—

24 (1) producers who suffered tree losses in dis-
25 aster counties; and

1 (2) fruit and tree nut producers in disaster
2 counties.

3 (c) COSTS.—Funds made available under this section
4 shall also be made available to cover costs associated with
5 tree pruning, tree rehabilitation, and other appropriate
6 tree-related activities as determined by the Secretary.

7 (d) SCOPE OF ASSISTANCE.—Assistance under this
8 section shall compensate for losses resulting from disas-
9 ters during calendar year 2005, 2006, or 2007, or any
10 combination of those calendar years.

11 **TITLE IV—ASSISTANCE FOR UN-**
12 **EMPLOYED AGRICULTURAL**
13 **WORKERS**

14 **SEC. 401. UNEMPLOYMENT ASSISTANCE.**

15 The Secretary of Homeland Security shall use such
16 sums as are necessary to provide unemployment assistance
17 in accordance with section 410 of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act (42 U.S.C.
19 5177) to agricultural workers in the State (including low-
20 income migrant and seasonal farmworkers) who are unem-
21 ployed due to disasters occurring in calendar year 2007,
22 as determined by the Secretary.

23 **SEC. 402. FOOD COUPONS AND DISTRIBUTION.**

24 The Secretary shall use such sums as are necessary
25 of the funds of the Commodity Credit Corporation to pro-

1 vide food coupons and surplus commodities in accordance
2 with section 412 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5179) to agri-
4 cultural workers in the State (including low-income mi-
5 grant and seasonal farmworkers) who are unemployed due
6 to disasters occurring in calendar year 2007, as deter-
7 mined by the Secretary.

8 **SEC. 403. EMERGENCY GRANTS TO ASSIST LOW-INCOME MI-**
9 **GRANT AND SEASONAL FARMWORKERS.**

10 The Secretary shall use such sums as are necessary
11 of the funds of the Commodity Credit Corporation to pro-
12 vide emergency grants to assist low-income migrant and
13 seasonal farmworkers in the State who are unemployed
14 due to disasters occurring in calendar year 2007, as deter-
15 mined by the Secretary, in accordance with section 2281
16 of the Food, Agriculture, Conservation, and Trade Act of
17 1990 (42 U.S.C. 5177a).

18 **SEC. 404. TEMPORARY MORTGAGE RENTAL ASSISTANCE.**

19 For the period beginning on the date of enactment
20 of this Act and ending 180 days after the date of enact-
21 ment of this Act, the Secretary of Homeland Security shall
22 use such sums as are necessary to provide temporary
23 mortgage rental assistance to agricultural workers in the
24 State (including low-income migrant and seasonal farm-
25 workers) who are unemployed due to disasters occurring

1 in calendar year 2007 under the same terms and condi-
 2 tions as the temporary mortgage rental assistance pro-
 3 gram under section 408(b) of the Robert T. Stafford Dis-
 4 aster Relief and Emergency Assistance Act (42 U.S.C.
 5 5174(b)) (as in effect on the day before the effective date
 6 of the amendment made by section 206(a) of the Disaster
 7 Mitigation Act of 2000 (42 U.S.C. 5174 note; Public Law
 8 106–390)).

9 **TITLE V—PACIFIC SALMON**
 10 **EMERGENCY DISASTER AS-**
 11 **SISTANCE**

12 **SEC. 501. PACIFIC SALMON EMERGENCY DISASTER ASSIST-**
 13 **ANCE.**

14 (a) APPROPRIATION OF FUNDS.—In addition to any
 15 other funds available for such purpose, there is appro-
 16 priated to the Secretary of Commerce \$60,400,000 to
 17 make a lump sum payment to the Pacific States Marine
 18 Fisheries Commission. The Commission shall distribute
 19 such amount among fishing communities, Indian tribes,
 20 small businesses, including fishermen, fish processors, and
 21 related businesses, individuals, and other entities for as-
 22 sistance for the economic and social effects of the commer-
 23 cial fishery failure designated under section 312(a) of the
 24 Magnuson-Stevens Fishery Conservation and Manage-
 25 ment Act (16 U.S.C. 1861a(a)) to mitigate the economic

1 losses to such communities, tribes, businesses, individuals
2 or other entities caused by closures or other restrictions
3 on the harvesting of Klamath River Fall Chinook salmon.

4 (b) LIMITATION ON ADMINISTRATIVE EXPENSES.—
5 The Secretary of Commerce may not use more than 4 per-
6 cent of the amount appropriated under this section for ad-
7 ministrative expenses.

8 (c) UNUSED FUNDS.—Any amount appropriated pur-
9 suant to this section that is not expended or otherwise ob-
10 ligated for the purpose described in subsection (a) shall
11 be returned to the Treasury of the United States.

12 **TITLE VI—MISCELLANEOUS**

13 **SEC. 601. LIMIT ON AMOUNT OF ASSISTANCE.**

14 The Secretary shall ensure, to the maximum extent
15 practicable, that no producers on a farm receive duplica-
16 tive payments under this Act and any other Federal pro-
17 gram for the same loss.

18 **SEC. 602. FUNDING.**

19 The Secretary shall use the funds, facilities, and au-
20 thorities of the Commodity Credit Corporation to carry
21 out this Act (other than sections 401, 404, and 501). Such
22 funds shall remain available until expended.

23 **SEC. 603. REGULATIONS.**

24 (a) IN GENERAL.—The Secretary may promulgate
25 such regulations as are necessary to implement this Act.

1 (b) PROCEDURE.—The promulgation of the regula-
 2 tions and administration of this Act shall be made without
 3 regard to—

4 (1) the notice and comment provisions of sec-
 5 tion 553 of title 5, United States Code;

6 (2) the Statement of Policy of the Secretary of
 7 Agriculture effective July 24, 1971 (36 Fed. Reg.
 8 13804), relating to notices of proposed rulemaking
 9 and public participation in rulemaking; and

10 (3) chapter 35 of title 44, United States Code
 11 (commonly known as the “Paperwork Reduction
 12 Act”).

13 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
 14 MAKING.—In carrying out this section, the Secretary shall
 15 use the authority provided under section 808 of title 5,
 16 United States Code.

17 **TITLE VII—EMERGENCY** 18 **DESIGNATION**

19 **SEC. 701. EMERGENCY DESIGNATION.**

20 The amounts provided under this Act are designated
 21 as an emergency requirement pursuant to section 501 of
 22 H. Con. Res. 376 (109th Congress), as made applicable
 23 to the House of Representatives by section 511(a)(4) of
 24 H. Res. 6 (110th Congress).

